

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

**IRONGATE AI, LLC, ALEXANDER  
FUCHSMAN,**

*Plaintiffs*

MO:25-CV-00159-DC

**V.**

**JONATHAN HOUK,  
FORECYBER,**

## *Defendants*

**ORDER**

BEFORE THE COURT is the report and recommendation from United States Magistrate Judge Ronald C. Griffin concerning Defendants' Motion to Dismiss for Failure to State a Claim.<sup>1</sup> Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Magistrate Judge Griffin issued his report and recommendation on October 20, 2025.<sup>2</sup> As of the date of this order, no party has filed objections to this report and recommendation.

28 U.S.C. § 636(b) permits a party to serve and file written objections to a magistrate judge's proposed findings or recommendations within fourteen days after being served with a copy of the report and recommendations. The Court will review *de novo* the portions of the report and recommendations objected thereto. When no objections are timely filed, the Court need only review the magistrate judge's report and recommendation for clear error.<sup>3</sup>

<sup>1</sup> Doc. 6.

<sup>2</sup> Doc. 13.

<sup>3</sup> Fed. R. Civ. P. 72 advisory committee's note.

Because no party in this case has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

The Court **ORDERS** the Report and Recommendation of the United States Magistrate Judge is **ADOPTED** and Defendant's Motion to Dismiss<sup>4</sup> is **GRANTED in Part** and **DENIED in Part**.

Accordingly, Plaintiff's Defend Trade Secrets Act ("DTSA") claim is **DISMISSED WITHOUT PREJUDICE**. Plaintiff's claims for tortious interference with a contract against both defendants and Plaintiff's claim against Defendant ForeCyber for breach of fiduciary duty are **DISMISSED**.<sup>5</sup> Because Plaintiff's DTSA claim, being the sole federal claim, is now dismissed, the Court **DECLINES** to exercise supplemental jurisdiction over Plaintiff's state law claims and the claims are **DISMISSED WITHOUT PREJUDICE**.

Finally, the Court **GRANTS** Plaintiffs' request to amend their complaint. Plaintiffs shall have fourteen (14) days from the date of this Order to file an Amended Complaint.

It is so **ORDERED**.

SIGNED this 6th day of November, 2025.

  
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DAVID COUNTS  
UNITED STATES DISTRICT JUDGE

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<sup>4</sup> Doc. 6.

<sup>5</sup> See Doc. 9 at 11 n.3, 16 n.4.